UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,578	01/21/2000	Robert J. Snyder	1752.0010002	4622

26111   7590   12/23/2003

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EXAMINER
HUYNH, BA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*29 August 2003*</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   Claims 1-15, 18-21, 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #6,198,906 (Boetje et al).

- As for claims 1, 8, 10, 18, 26: Boetje teaches a computer implemented method and corresponding apparatus for producing a show (2:56-65; 10:12-55), comprising the steps/means for:

enabling creation an instruction sequence for the show, the instruction sequence defines one or more set of production commands (3:30-62; figures 4, 20, 24), the one or more set comprising one or more segment files (6:26-56; figures 10a-g), each of the segment files comprises a group of production commands that, when executed, operates to produce a segment of the show (12:48 – 13:30;19:3-28; 29:3-28), each segment file comprising script portions that include commands activated in relation to a script and non-script portion (e.g., inserted segments or event variable, 11:33-63) that include commands activated independent of a script (figure 24a,b; 30:20-30, 49-53), each segment having a duration which is defined by execution of the instruction sequence (6:25-56) under the control of a human operator (31:28-35;25:27-56), and executing the set of production command to produce the show. Show segments can be distributed over a computer network (5:51-54; 5:65 – 6:8).

- As for claims 2, 11: The system includes command for adding a segment variable to a show prior to execution of commands of the segment (11:33-63).

- As for claims 3, 9, 12: The system includes program instructions for irreversibly appending auto-flow segments (10:58-60) to a show document prior to the execution of the production commands. The lead-in and the close segments are also irreversible relative to the teaser segment (23:34-36)

- As for claim 4: The auto-flow segments and the switcher (10:21-24) provide a transition between segment.

- As for claims 5, 13: The news document is stored in a memory (figure 1).

- As for claims 6, 7, 14, 15: It is implicitly included that the news document is recorded for subsequent playback. A "Meets" relation is a kind of delimiter which delimiting a segment file (25:35-46).

- As for claims 19, 27, 30: News segments are distributed to destinations upon request (5:51-54; 5:65 – 6:8; 17:1-7; 30:11-60).

- As for claim 20: The system includes commands enable select a show segment for distribution (figures 4, 24).

- As per claims 21, 31: The "Meet", "Get" delimiters enable selection of an identified show segment for distribution (figure 4).

- As for claims 24, 28: The "Get", "Meet" commands distribute media related to the show segment to a destination (figure 24).

- As for claims 25, 29: A show segment can be distributed over wireless communication (3:30-34; 5:65 – 6:8).

Claim Rejections - 35 USC § 103

2.   Claims 16, 17, 22-23, 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,198,906 (Boetje et al).

- As for claims 16, 17, 32: Boetje teaches a computer implemented method and corresponding apparatus for producing a show (2:56-65; 10:12-55), comprising the steps/means for:

enabling creation an instruction sequence for the show, the instruction sequence defines one or more set of production commands (3:30-62; figures 4, 20, 24), the one or more set comprising one or more segment files (6:26-56; figures 10a-g), each of the segment files comprises a group of production commands that, when executed, operates to produce a segment of the show (12:48 – 13:30;19:3-28; 29:3-28), each segment file comprising script portions that include commands activated in relation to a script and non-script portion (e.g., inserted segments or event variable, 11:33-63) that include commands activated independent of a script (figure 24a,b; 30:20-30, 49-53), each segment having a duration which is defined by execution of the instruction sequence (6:25-56) under the control of a human operator (31:28-35;25:27-56), and

executing the set of production command to produce the show.

Boetje fails to teach that the script is created by converting verbal instructions. However, implementation of creating script by verbal instruction is well known in the art of audio input and voice recognition. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known audio input and voice recognition to Boetje for creating the script. Motivation of the combine is for the advantage of having flexibility in input means. Each video segment includes data related to the video segment (19:3-28).

- As for claims 22, 23: Boetje fails to clearly teach that the implementation of the Internet protocol for distribution of show segments over Internet. However, distribution of news segment over Internet is well known in the art of broadcasting (See previously cited Parks' 1:25-39). It would have been obvious to one of skill in the art, at the time the invention was made, to implement the Internet Protocol to Boetje for the distribution of show segments over the Internet. Motivation of the implementation is for the advantage of information sharing.

- As for claims 33: The system includes commands for distribution of commercial segment to a destination (abstract).

- As for claim 34: The "Get", "Meet" commands distributes media related to the show segment to a destination (figure 24).

- As for claim 35: The system includes command to distribute a show segment substantially the same time as producing the show (figure 24).
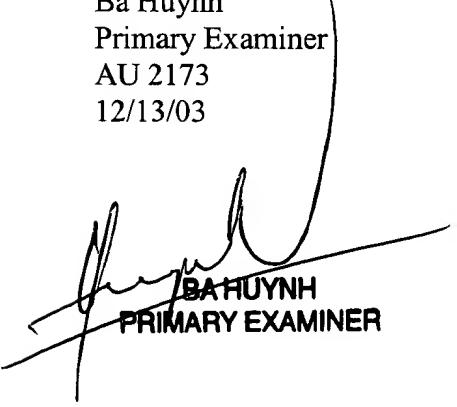
Response to Arguments

3.   Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3800.

Ba Huynh
Primary Examiner
AU 2173
12/13/03

BA HUYNH
PRIMARY EXAMINER